

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, et al.

Plaintiffs,

v.

THE CITY OF RALEIGH, et al.

Defendants.

**CONSENT MOTION FOR AN
EXTENSION OF TIME TO FILE A
RESPONSE TO DISPOSITIVE
MOTIONS AND FOR A WORD AND
PAGE COUNT EXTENSION**

NOW COME Plaintiffs, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, and hereby respectfully move for permission to extend the time to respond to Defendants' Motions for Summary Judgment.

And pursuant to Local Civil Rules 7.1 and 7.2, hereby move this Court to enter an order allowing Plaintiffs to exceed the 8,400 word-count and 30-page limitation applicable to response briefs. Specifically, Plaintiffs request permission to submit a single consolidated response brief to all Defendants totaling 15,000 words and 45 pages or less. In support of this motion, Plaintiffs show the Court as follows:

1. Discovery in this matter closed on March 3, 2023.
2. That same day, Defendants—with the consent of Plaintiffs—moved the Court for an order extending the discovery deadline to allow for the deposition of Plaintiffs' police practices expert, David Sweeney. DE 183.
3. The motion also requested an extension of the dispositive motion deadline from March 31, 2023, to May 1, 2023. *Id.* Plaintiffs also consented to this request.

4. On March 29, 2023, Defendants deposed Mr. Sweeney.
5. On March 31, 2023, Defendants Abdullah, Rattelade, Gay, Monroe and Rolfe filed dispositive motions. DE 202-212.
6. On April 3, 2023, the Court entered an order granting Defendants' motion to extend the dispositive motion deadline until May 1, 2023. DE 213.
7. Defendants have indicated that they will supplement their pending motions for summary judgment prior to the May 1, 2023, deadline, to include facts related to Mr. Sweeney.
8. Plaintiffs' response date to the pending motions is currently April 21, 2023.
9. Plaintiffs' counsel has a trial set for April 17, 2023, in the North Carolina Middle District in *Lee Harris v. Town of Southern Pines*, 21-CV-955-WO.
10. Plaintiffs require additional time to respond to the Defendants' motions, and their anticipated supplements to their motions, and respectfully request that the Court extend the response date to all dispositive motions to June 1, 2023.
11. This will allow Defendants time to supplement their motions by May 1, 2023, and permit Plaintiffs time to respond.
12. This Motion is being filed in good faith and not for the purpose of delaying this action.
13. This matter has not been set for trial. As such, granting this motion will not interfere with a scheduled trial date.
14. Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendants regarding Defendants' position on this motion.
15. Defendants consent to this extension of time to respond.

16. Additionally, in the interest of judicial efficiency, Plaintiffs anticipate filing one consolidated brief responding to all three summary judgment motions filed by the above-named defendants.

17. This brief will respond to complex legal and factual arguments made by five separate defendants, in three separate briefs.

18. Plaintiffs anticipate that their consolidated brief will be no more than 15,000 words and no more than 45 pages, which is less than the permissible word and page count for filing three responsive briefs.

19. Defendants consent to an enlargement of the word and page count.

20. Plaintiffs submit that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Plaintiffs respectfully move this Court to enter an order extending the deadline to respond to dispositive motions to June 1, 2023 and permitting Plaintiffs to do so in a consolidated brief that contains 15,000 words and 45 pages or less.

This the 4th day of April.

Respectfully,



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